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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,256	03/31/2004	Olivier Michaelis	030282	7459

23696 7590 10/19/2006
QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO, CA 92121

EXAMINER LIPMAN, JACOB	
ART UNIT 2134	PAPER NUMBER

DATE MAILED: 10/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/815,256		MICHAELIS ET AL.	
	Examiner		Art Unit	
	Jacob Lipman		2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16, 18-29, 31, 32 and 34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16, 18-29, 31, 32 and 34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's error of labeling claim 23 as previously presented, when it is clearly currently amended is noted, but is not seen as rendering the amendment non-responsive.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 16-22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The term "non-specific platform" has not been defined in the specification, and is seen as new matter.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 16-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claim 16 recites the limitation "non-specific platform". Applicant has failed to define the bounds of this limitation.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 16, 18, and 21-22, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Pearce et al., USPN 6,243,468 in view of Ta et al., USPN 6,931,545.

With regard to claims 16 and 18, Pearce discloses a method of associating software with hardware (column 2 lines 35-43) including obtaining a software id (column 3 lines 5-6) and a hardware id (column 3 lines 6-7) and generating a signature for the software (checksum, column 2 lines 48-51), software id, and the hardware id using cryptography (hashing, column 3 lines 7-11) used to validate the software (column 7 lines 11-15). Pearce discloses using a check-sum of the software to authenticate it, but does not specifically disclose using a hash to create a checksum, or to authenticate the software itself. Ta discloses hashing software (creating a hash digest) to create a software ID to use in authenticating the software (column 9 lines 36-42). It would have been obvious for one of ordinary skill in the art to use the hash of Ta as the checksum in Pearce to increase security.

With regard to claim 21 and 22, Pearce discloses checking whether or not to allow software to hardware association based on the hardware (column 8 lines 50-65).

9. Claims 1-15, 19, 20, 23-29, 31, 32, and 34, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Pearce in view of Ta, in further view of Gralla, in How The Internet Works.

With regard to claims 1-5, 7-12, 14, 15, 19, 20, 23-29, 31, 32, and 34, Pearce in view of Ta discloses associating software with hardware as disclosed above, and discloses sending a information to and from the registration authority over an insecure network (column 4 lines 21-26) but does not disclose that this network communication utilizes public keys and certificates. Gralla discloses that public key cryptography and digital certificates is often used to secure network communication (pages 303-307). It would have been obvious for one of ordinary skill in the art to secure Pearce's network communication with digital certificates and public key cryptography for Gralla's given motivation of protecting information and increasing security (page 303).

With regard to claim 6, Pearce discloses the product number includes a product code serialized number (column 48-51). The examiner further takes official notice that version numbers are often given to software. It would have been obvious for one of ordinary skill in the art to base a product code or serial number on a version number to better identify the product.

With regard to claim 13, Pearce discloses using a wireless network (column 4 lines 21-26).

With regard to claim 26, Pearce discloses checking a database (column 8 lines 56-58).

Response to Arguments

10. Applicant's arguments filed 4 August 2006 have been fully considered but they are not persuasive.

Applicant argues that the examiner's rejection does not disclose an identifier identifying a non-specific hardware platform. The applicant seems to be attempting to add a negative limitation using an addition. The term clearly is not found in the specification. The specification defines [1024] the hardware ID as, "a model number, a product number, and so on." Pearce clearly discloses the hardware ID as identifying a platform (column 3 lines 16-20), but does not mention a specific hardware that it identifies, thus it is a non-specific hardware identifier, as best understood.

With regard to applicant's argument that there is not motivation to authenticate software using Internet communication technology, the examiner points out that when downloading software, the authentication of the downloaded message is authenticating the software, and thus it is one process that is fully checked.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob Lipman whose telephone number is 571-272-3837. The examiner can normally be reached on M-Th 7 AM-3 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacques Louis-Jacques can be reached on 571-272-6962. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JL

GILBERTO BARRÓN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100